

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ANGEL MALDONADO, 03-R-2519,

Plaintiff,

v.

ORDER  
11-CV-717A

ANDREA W. EVANS, Chairwoman & CEO  
New York State Division of Parole and  
BRIAN FISCHER, Commissioner,  
New York State Department of  
Correctional Services,

Defendants.

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The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). Defendants filed a motion to dismiss plaintiff's pro se complaint. On September 10, 2012, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendants' motion to dismiss be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendants' motion to dismiss is denied.

The case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: September 27, 2012